

### **REMARKS**

The following remarks, taken together with the claim amendments listed herein, are provided in response to the Office Action communication dated December 24, 2008, wherein the shortened statutory period for response expires on March 24, 2009. Accordingly, this response is considered timely filed.

Upon receipt of the present Office Action, Applicants' claims 1-20 and 22-25 were pending in the subject application. Claims 1-20, 24 and 25 currently stand rejected under the provisions of 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 22 and 23 are allowed.

Applicants acknowledge and appreciate the Examiner's recognition of the allowable subject matter in the aforementioned pending claims. In view of the foregoing rejection, Applicants have proposed further amending the claims, as reflected under the heading "Listing of Claims" beginning on page 2 of this paper, to more clearly identify the statutory subject matter of the claimed invention. In addition, Applicants submit the following remarks wherein the Examiner's rejections are respectfully traversed.

#### **Rejection of Claims under 35 U.S.C. § 101**

Claims 1-20, 24 and 25 currently stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Without conceding the propriety of the rejection, and solely to advance prosecution of the claimed invention, Applicants have amended the claims and kindly direct the Examiner's attention to the following remarks pertaining to the amendments incorporated herein.

Previously presented claims 1-20, 24 and 25 have been canceled in the present response. Accordingly, the rejection of these claims under the provisions of 35 U.S.C. §101 are rendered moot.

Applicants submit that the limitations of previously presented, and now canceled, dependent claims 2-19 and 25 have been incorporated, respectively, into new dependent claims 26-43 and 44. These new claims satisfy the requirements prescribed under 35 U.S.C. §101 and depend from claim 23, which has been allowed in present Office Action.

Applicants further submit that previously presented, and now canceled, independent claims 20 and 24 have been rewritten, respectively, into new independent claims 45 and 46. These new claims also satisfy the requirements prescribed under 35 U.S.C. §101.

**Conclusion**

In view of the foregoing amendments, new claims 26-44, which depend from allowed claim 23, and new claims 45 and 46 are now in condition for allowance. Reconsideration and prompt allowance of this patent application are respectfully requested.

If it will advance the prosecution of this patent application, the Examiner is urged to telephone (973.597.6326) Applicants' undersigned representative. All written communications should continue to be sent to the address provided below.

Respectfully submitted,

Lowenstein Sandler PC  
65 Livingston Avenue  
Roseland, NJ 07068

A handwritten signature in black ink, appearing to read "David Toma", written over a horizontal line.

Dated: March 22, 2009

By: David Toma, Esq.  
Attorney for Applicants  
Reg. No. 57,380